

ESTTA Tracking number: **ESTTA473784**

Filing date: **05/22/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204698
Party	Defendant Books Without Borders (Kutub Bila Hudood) by change of name from Books Without Borders (Kutub Bila Hudud)
Correspondence Address	BETSY E LEHRFELD SWANKIN & TURNER 1400 16TH STREET NW SUITE 101 WASHINGTON, DC 20036-2222 UNITED STATES betsy@swankin-turner.com
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Signature	/Betsy E. Lehrfeld/
Date	05/22/2012
Attachments	Answer to TM opposition - BWB.pdf ( 8 pages )(27480 bytes ) Answer to TM opposition, exh. 1-4 BWB.pdf ( 18 pages )(2579835 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>BUREAU INTERNATIONAL DE MÉDECINS SANS FRONTIÈRES</p> <p>and</p> <p>MÉDECINS SANS FRONTIÈRES USA, INC.,</p> <p style="text-align: center;">jointly, Opposer,</p> <p style="text-align: center;">v.</p> <p>BOOKS WITHOUT BORDERS (KUTUB BILA HUDOOD),</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91204698</p> <p>Application Serial No. 85/180,994</p> <p>Mark: BOOKS WITHOUT BORDERS</p> <p>Filing Date: November 19, 2010</p>
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**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

Applicant, BOOKS WITHOUT BORDERS (KUTUB BILA HUDOOD), by and through undersigned counsel, hereby responds to the allegations set forth in the Notice of Opposition filed by joint Opposer, BUREAU INTERNATIONAL DE MÉDECINS SANS FRONTIÈRES and MÉDECINS SANS FRONTIÈRES USA, INC., by answering the allegations contained in the Notice of Opposition and by setting forth its defenses and affirmative defenses below. The numbered responses below correspond to those numbered allegations in the Notice of Opposition.

1. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition, and therefore, denies said allegations. Applicant admits that the U.S. Patent and Trademark Office TESS database and

Assignment database indicate ownership by Bureau International de Médecins Sans Frontières of the trademark registration identified in Paragraph 1 of the Notice of Opposition. Applicant admits that a certificate of registration is prima facie evidence of the validity of the registered mark and of the registration of the mark, of the registrant's ownership of the mark, and of the registrant's exclusive right to use the registered mark in commerce on or in connection with the goods or services specified in the certificate, subject to any conditions or limitations stated in the certificate.

2. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 2 of the Notice of Opposition, and therefore, denies said allegations. Applicant admits that the U.S. Patent and Trademark Office TESS database and Assignment database indicate ownership by Bureau International de Médecins Sans Frontières of the trademark registration identified in Paragraph 2 of the Notice of Opposition.
3. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition, and therefore, denies said allegations. Applicant admits that the U.S. Patent and Trademark Office TESS database and Assignment database indicate ownership by Bureau International de Médecins Sans Frontières of the trademark registrations identified in Paragraph 3 of the Notice of Opposition.
4. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition, and therefore, denies said allegations.
5. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition, and therefore, denies said allegations.

Applicant admits that the U.S. Patent and Trademark Office Assignment database indicates recordation of the transactions identified in Paragraph 5 of the Notice of Opposition between Médecins Sans Frontières USA, Inc. and Bureau International de Médecins Sans Frontières.

6. Admitted.
7. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 7 of the Notice of Opposition, and therefore, denies said allegations.
8. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 8 of the Notice of Opposition, and therefore, denies said allegations.
9. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 9 of the Notice of Opposition, and therefore, denies said allegations.
10. Admitted, with the exception that the description of services as set forth in Paragraph 10 of the Notice of Opposition is the description of services as amended, and not as filed on November 19, 2010.
11. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 11 of the Notice of Opposition, and therefore, denies said allegations. Applicant denies that it targets “the same U.S. audience” as Opposer.
12. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in the first two sentences of Paragraph 12 of the Notice of Opposition, and therefore, denies said allegations. Applicant denies the third sentence of Paragraph 12 of the Notice of Opposition.
13. Admitted.
14. Denied.

15. Denied.

16. Denied.

17. Applicant denies that “Applicant is not entitled to federal registration of Applicant’s mark,” on the ground that such statement by Opposer is a legal conclusion. Applicant denies that “Opposer will be damaged by the grant of such registration.”

### **DEFENSES AND AFFIRMATIVE DEFENSES**

Applicant asserts each of its defenses and affirmative defenses separately and in the alternative.

#### **Defense #1: No Likelihood of Confusion**

There is no likelihood of confusion in the mind of the relevant public between Applicant’s mark and Opposer’s mark as to the source, sponsorship, or approval of Applicant’s goods and services.

- 1) Opposer’s mark is weak and has lost any distinctiveness. The term “Without Borders” has become merely descriptive due to its widespread use by third parties providing various goods and services. A search for the term “Without Borders” on the U.S. Patent and Trademark Office’s Trademark Electronic Search System (TESS) returned 126 live registered marks and applications for registration.<sup>1</sup> Some examples are: “DENTISTS WITHOUT BORDERS,” “HEALTH WITHOUT BORDERS,” “KNOWLEDGE WITHOUT BORDERS,” “LAWYERS WITHOUT BORDERS,” “MINISTRIES WITHOUT BORDERS,” and “TEACHERS WITHOUT BORDERS.”
- 2) Applicant’s mark is not similar in appearance, sound, or meaning to Opposer’s mark.

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<sup>1</sup> Exhibit 1 (Printout of TESS search results for “without borders” as of May 18, 2012)

- 3) The goods and/or services provided in connection with Applicant's mark are not similar to those provided in connection with Opposer's mark. Opposer provides medical, recruitment, and fundraising services; Applicant provides cultural educational materials. Specifically, Applicant provides "free educational software featuring instruction in the field of Arabic culture, downloadable via a website, for charitable purposes; free electronic publications in the nature of books, pamphlets, poems, and journals, in the field of Arabic culture, downloadable via a website, for charitable purposes"<sup>2</sup> in connection with its mark. Opposer allegedly provides "charitable services, namely, providing emergency medical relief and assisting victims of disasters and conflicts worldwide and promoting public awareness of populations at risk" (Notice of Opposition, at ¶ 1) and "recruitment services for medical professionals to participate in international relief projects" and "charitable and fund raising services for international relief projects" (Notice of Opposition, at ¶ 2) in connection with its mark.
- 4) Opposer has provided no evidence of actual confusion by consumers between Applicant's mark and Opposer's mark.
- 5) Applicant and Opposer do not use similar marketing channels. Opposer uses marketing channels such as mail, internet, telephone, and social media.<sup>3</sup> Applicant does not market via mail, telephone, or social media.
- 6) Consumers of Applicant's goods and/or services and consumers of Opposer's goods and/or services are sufficiently sophisticated to know that Applicant's goods and/or services are unrelated to those of Opposer.

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<sup>2</sup> Exhibit 2 (Trademark Snap Shot Publication & Issue Review Stylesheet for "BOOKS WITHOUT BORDERS")

<sup>3</sup> Exhibit 3 (Printout of webpage from Opposer's website)

- 7) Applicant adopted its mark in good faith and without any intent to cause confusion in the minds of consumers between Applicant's mark and Opposer's mark.

**Defense #2: No Dilution or Blurring**

To the extent that the Board finds that Opposer's mark is famous, Applicant submits that there is no evidence that Applicant's mark will dilute, blur, or tarnish Opposer's mark, reputation, or goodwill.

- 1) Applicant's mark is not similar in appearance, sound, or meaning to Opposer's mark.
- 2) Opposer's mark has lost any distinctiveness. The term "Without Borders" has become merely descriptive due to its widespread use by third parties providing various goods and services.
- 3) There are numerous third-party registrations and applications for marks containing the term "Without Borders." A search for the term "Without Borders" on the U.S. Patent and Trademark Office's Trademark Electronic Search System (TESS) returned 126 live registered marks and applications for registration.<sup>4</sup> Some examples are: "DENTISTS WITHOUT BORDERS," "HEALTH WITHOUT BORDERS," "KNOWLEDGE WITHOUT BORDERS," "LAWYERS WITHOUT BORDERS," "MINISTRIES WITHOUT BORDERS," and "TEACHERS WITHOUT BORDERS."
- 4) Opposer's mark may or may not have a high degree of recognition.
- 5) Applicant adopted its mark in good faith and without any intent to cause confusion in the minds of consumers between Applicant's mark and Opposer's mark.
- 6) There is no association between Applicant's mark and Opposer's mark.

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<sup>4</sup> Exhibit 1 (Printout of TESS search results for "without borders" as of May 18, 2012)

**Affirmative Defense #1: Estoppel**

Opposer should be estopped from opposing Applicant's mark. In a press interview in 2010, Communications Director of Doctors Without Borders in New York, Jason Cone, stated that entity names incorporating the term, "Without Borders," do not compromise "Doctors Without Borders" if those entities do not have medical missions.<sup>5</sup> Applicant does not have a medical mission and does not provide any medical services or products in connection with its mark.

**Affirmative Defense #2: Waiver/Estoppel**

Opposer has failed to adequately defend its use of the term "Without Borders" against widespread use by numerous other entities.

**CONCLUSION**

For the foregoing reasons, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice.

Dated: May 22, 2012

Respectfully submitted,

/Betsy E. Lehrfeld/  
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Washington, DC 20036  
Ph: 202-462-8800  
*Attorneys for Applicant*

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<sup>5</sup> Exhibit 4 ("'Border' Struggle Erupts Over Name," David Abel, *The Boston Globe*. March 4, 2010.)

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was served via first-class mail, postage prepaid, on the 22nd day of May, 2012, upon Counsel for Opposer at the following address:

Kerry L. Konrad  
Simpson Thacher & Bartlett LLP  
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New York, NY 10017

Elizabeth A Gillen  
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/Michelle L. Zhang/  
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*Attorneys for Applicant*

# Exhibit 1

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Retine Search [(live)[LD] AND (without borders)[COMB] 

Current Search: S2: (live)[LD] AND (without borders)[COMB] docs: 126 occ: 757

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	85344102		CURRITO BURRITOS WITHOUT BORDERS	TARR	LIVE
2	85181019		KUTUB BILA HUDOOD	TARR	LIVE
3	85344106		BURRITOS WITHOUT BORDERS	TARR	LIVE
4	85325157		INSURANCE WITHOUT BORDERS	TARR	LIVE
5	85609173		A AGENTS WITHOUT BORDERS	TARR	LIVE
6	85607506		BROKERS WITHOUT BORDERS	TARR	LIVE
7	85563010		BROADBAND WITHOUT BORDERS	TARR	LIVE
8	85518034		FRIENDS WITHOUT BORDERS	TARR	LIVE
9	85594284		A WORLD WITHOUT BORDERS	TARR	LIVE
10	85374681		THERAPISTS WITHOUT BORDERS	TARR	LIVE
11	85181053		WISDOM WITHOUT BORDERS	TARR	LIVE
12	85341092		MUSLIMS WITHOUT BORDERS	TARR	LIVE
13	85330041		HOSPITALS WITHOUT BORDERS	TARR	LIVE
14	85180994		BOOKS WITHOUT BORDERS	TARR	LIVE
15	85181079		HIKMA BILA HUDOOD	TARR	LIVE
16	85138204		APPS WITHOUT BORDERS	TARR	LIVE
17	85583258		BUSINESS WITHOUT BORDERS	TARR	LIVE
18	85571688		IMMUNOLOGY WITHOUT BORDERS	TARR	LIVE
19	85330561		ART WITHOUT BORDERS	TARR	LIVE
20	85433032		ECOLOGISTS WITHOUT BORDERS	TARR	LIVE
21	85122367		SEGUROS SIN FRONTERA	TARR	LIVE
22	85551769		RESEARCH WITHOUT BORDERS	TARR	LIVE
23	85417261		TRANSLATORS WITHOUT BORDERS	TARR	LIVE
24	85539603		CAMPUS WITHOUT BORDERS	TARR	LIVE

25	85536937		ALES WITHOUT BORDERS	TARR	LIVE
26	85072958		SPEAKERS WITHOUT BORDERS	TARR	LIVE
27	85291214	4059647	EGYPTIANS-WITHOUT-BORDERS	TARR	LIVE
28	85259909	4035061	EWB-USA	TARR	LIVE
29	85214465	4031213	ORION ONLINE SAFETY SAFETY TRAINING WITHOUT BORDERS	TARR	LIVE
30	85235441	4019300	INNOVATION WITHOUT BORDERS	TARR	LIVE
31	85094851	4018247	JUDGES WITHOUT BORDERS CROSSING BORDERS TO MAKE A DIFFERENCE	TARR	LIVE
32	85221266	4015567	WATER WITHOUT BORDERS	TARR	LIVE
33	85372164		HEALTHCARE WITHOUT BORDERS	TARR	LIVE
34	85140295	3973551	INSPIRATION WITHOUT BORDERS	TARR	LIVE
35	85074453	3964970	PEOPLE WITHOUT BORDERS	TARR	LIVE
36	85051901		MUSICIANS WITHOUT BORDERS	TARR	LIVE
37	79028061	3409301	MULTICARD SANS FRONTIERES	TARR	LIVE
38	78525091	3028779	MEDECINS SANS FRONTIERES DOCTORS WITHOUT BORDERS	TARR	LIVE
39	78523970	3028767	MEDECINS SANS FRONTIERES	TARR	LIVE
40	78519817	3032188	DOCTORS WITHOUT BORDERS	TARR	LIVE
41	78525106	3028781	MEDECINS SANS FRONTIERES DOCTORS WITHOUT BORDERS	TARR	LIVE
42	78525098	3028780	MEDECINS SANS FRONTIERES DOCTORS WITHOUT BORDERS	TARR	LIVE
43	78900905	3288131	MEDIATORS WITHOUT BORDERS	TARR	LIVE
44	78964322	3449575	MINISTRIES WITHOUT BORDERS	TARR	LIVE
45	78962380	3497287	BARBECUE WITHOUT BORDERS	TARR	LIVE
46	78948736	3656018	BIENESTAR SIN BARRERAS	TARR	LIVE
47	78940514	3379675	KNOWLEDGE WITHOUT BORDERS LIFE-LONG LEARNING ABOUT THE WORLD	TARR	LIVE
48	78925194	3242031	INVENTORS WITHOUT BORDERS YOUNG INVENTORS SOLVING REAL PROBLEMS AROUND THE WORLD NEVER TOO YOUNG TO MAKE A DIFFERENCE	TARR	LIVE
49	78902104	3314663	PLAN SIN FRONTERAS	TARR	LIVE
50	78895321	3596680	KNOWLEDGE WITHOUT BORDERS	TARR	LIVE

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51	78874905		MOVIL SIN BARRERAS	TARR	LIVE
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53	78829197	3349988	CREDIT CARD WITHOUT BORDER	TARR	LIVE
54	78822203	3198577	VIVA SIN BARRERAS	TARR	LIVE
55	78817105	3795055	SIN BARRERAS	TARR	LIVE
56	78817104	3788775	SIN BARRERAS	TARR	LIVE
57	78817096	3720166	SIN BARRERAS	TARR	LIVE
58	78817085	3648893	SIN BARRERAS	TARR	LIVE
59	78815692	3756202	NORTHPOLE OUTDOORS WITHOUT BORDERS	TARR	LIVE
60	78790616	3700398	BIENESTAR SIN BARRERAS	TARR	LIVE
61	78788827	3730091	NORTH POLE. OUTDOORS WITHOUT BORDERS.	TARR	LIVE
62	78746891	3446662	LIBRARIANS WITHOUT BORDERS	TARR	LIVE
63	78719303	3745447	BELIEFS WITHOUT BORDERS PATHWAY TO A NEW FUTURE	TARR	LIVE
64	78714764	3205318	TU TIENDA SIN FRONTERAS	TARR	LIVE
65	78689922	3148166	BELIEFS WITHOUT BORDERS PATHWAY TO A NEW FUTURE	TARR	LIVE
66	78664537	3111801	CHEFS WITHOUT BORDERS	TARR	LIVE
67	78553240	3349441	BANKERS WITHOUT BORDERS	TARR	LIVE
68	78356769	3240345	STUDENTS WITHOUT BORDERS	TARR	LIVE
69	78356765	3280412	ÉTUDIANTS SANS FRONTIÈRES	TARR	LIVE
70	78335443	2914656	OFFICE WITHOUT BORDERS	TARR	LIVE
71	78286806	3074304	ATHLETES WITHOUT BORDERS	TARR	LIVE
72	77627938	4125780	ENTREPRENEURS WITHOUT BORDERS	TARR	LIVE

73	77894987	4122222	ACTUARIES WITHOUT BORDERS	TARR	LIVE
74	77657143		BABIES WITHOUT BORDERS	TARR	LIVE
75	77867683	4094986	MUSIC WITHOUT BORDERS	TARR	LIVE
76	77940535	3859798	MOTHERS WITHOUT BORDERS	TARR	LIVE
77	77664680		EDUCATION WITHOUT BORDERS	TARR	LIVE
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81	77933313	3859728	ABOGADOS SIN FRONTERAS	TARR	LIVE
82	77914519	3905620	COMMUNICATION WITHOUT BORDERS	TARR	LIVE
83	77882315	3929727	MINDFULNESS WITHOUT BORDERS	TARR	LIVE
84	77831553	3778029	BORDERS WITHOUT BOUNDARIES RESCUE	TARR	LIVE
85	77749890	3868280	ABOGADOS SIN FRONTERAS	TARR	LIVE
86	77736451	3722063	VETERINARIANS WITHOUT BORDERS	TARR	LIVE
87	77686720	3685916	ARTISTS WITHOUT BORDERS	TARR	LIVE
88	77627939	3735940	ENTREPRENEURS WITHOUT BORDERS	TARR	LIVE
89	77593050	3622894	MEETINGS WITHOUT BORDERS	TARR	LIVE
90	77542061	3655772	MUNDO SIN BARRERAS	TARR	LIVE
91	77542059	3778905	MUNDO SIN BARRERAS	TARR	LIVE
92	77526332	3675287	RABBIS WITHOUT BORDERS	TARR	LIVE
93	77507760	3674175	INGREDIENTS WITHOUT BORDERS	TARR	LIVE
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98	77031372	4115122	SCIENTISTS WITHOUT BORDERS	TARR	LIVE
99	77438002	3625562	TEACHERS WITHOUT BORDERS	TARR	LIVE
100	77333611		CASA SIN BARRERAS	TARR	LIVE

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103	77448414	3546370	ENGINEERS WITHOUT BORDERS USA	TARR	LIVE
104	77425745	3738618	ENGINEERS WITHOUT BORDERS - INTERNATIONAL	TARR	LIVE
105	77357516	3569132	LEADERS WITHOUT BORDERS	TARR	LIVE
106	77350859	3558732	EXECUTIVES WITHOUT BORDERS	TARR	LIVE
107	77249093	3494915	BRANDS WITHOUT BORDERS	TARR	LIVE
108	77203259	3677018	PROFESIONES SIN BARRERAS	TARR	LIVE
109	77182600	3686571	NORTHPOLE OUTDOORS WITHOUT BORDERS	TARR	LIVE
110	77182592	3761537	NORTHPOLE OUTDOORS WITHOUT BORDERS	TARR	LIVE
111	77182581	3477649	NORTHPOLE OUTDOORS WITHOUT BORDERS	TARR	LIVE
112	77150483	3371810	NEWS WITHOUT BORDERS	TARR	LIVE
113	77134781	3534724	CINEMA WITHOUT BORDERS	TARR	LIVE
114	77105326	3419390	SERVICE WITHOUT BORDERS	TARR	LIVE
115	77069041	3333567	INVESTING WITHOUT BORDERS	TARR	LIVE
116	77043985	3419170	TRADE WITHOUT BORDERS	TARR	LIVE
117	76699600	3838199	CIOS WITHOUT BORDERS	TARR	LIVE
118	76502036	2839774	BUSINESS WITHOUT BORDERS	TARR	LIVE
119	76452897	2818214	BUILDINGS WITHOUT BORDERS	TARR	LIVE
120	76430310	2818163	MINISTRIES WITHOUT BORDERS	TARR	LIVE
121	76349075	2760882	SCIENCE WITHOUT BORDERS	TARR	LIVE
122	76264773	2726471	BASKETBALL WITHOUT BORDERS	TARR	LIVE
123	76059877	2779907	LAWYERS WITHOUT BORDERS	TARR	LIVE
124	75436137	2290906	DOCTORS WITHOUT BORDERS	TARR	LIVE
125	75254898	2229506	BIRDS WITHOUT BORDERS - AVES SIN FRONTERAS	TARR	LIVE

126	73192355	1156743	MEDECINS SANS FRONTIERES	TARR	LIVE
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# Exhibit 2

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	85180994	FILING DATE	11/19/2010
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	ALTREE, NICHOLAS	L.O. ASSIGNED	107

**PUB INFORMATION**

RUN DATE	10/28/2011		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	10/27/2011		
LITERAL MARK ELEMENT	BOOKS WITHOUT BORDERS		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BOOKS WITHOUT BORDERS

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Books Without Borders (Kutub Bila Hudud)
ADDRESS	1815 17th Street, NW, Suite 802 Washington, DC 20009
ENTITY	03-CORPORATION
CITIZENSHIP	D.C.

### GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	free educational software featuring instruction in the field of Arabic culture, downloadable via a website, for charitable purposes; free electronic publications in the nature of books, pamphlets, poems, and journals, in the field of Arabic culture, downloadable via a website, for charitable purposes

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"BOOKS"

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/27/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	027
10/27/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	026
10/27/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	025
10/27/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	024
04/27/2011	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	023
04/27/2011	GNRT	O	NON-FINAL ACTION E-MAILED	022
04/27/2011	CNRT	R	NON-FINAL ACTION WRITTEN	021
04/25/2011	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	020

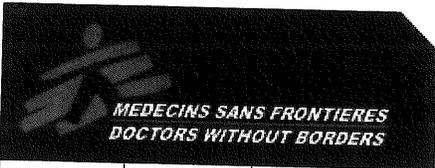
04/22/2011	PBCR	Z	WITHDRAWN FROM PUB - OG REVIEW QUERY	019
04/13/2011	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	018
04/13/2011	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	017
04/13/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	016
04/05/2011	ZZZX	Z	PREVIOUS ALLOWANCE COUNT WITHDRAWN	015
04/01/2011	PBCR	Z	WITHDRAWN FROM PUB - OG REVIEW QUERY	014
03/23/2011	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	013
03/21/2011	ALIE	A	ASSIGNED TO LIE	012
03/02/2011	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	011
03/02/2011	XAEC	I	EXAMINER'S AMENDMENT ENTERED	010
03/02/2011	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	009
03/02/2011	GNEA	O	EXAMINERS AMENDMENT E-MAILED	008
03/02/2011	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	007
03/01/2011	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
03/01/2011	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/01/2011	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/01/2011	DOCK	D	ASSIGNED TO EXAMINER	003
11/23/2010	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
11/23/2010	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Betsy E. Lehrfeld
CORRESPONDENCE ADDRESS	BETSY E. LEHRFELD SWANKIN & TURNER 1400 16TH ST NW STE 101 WASHINGTON, DC 20036-2222
DOMESTIC REPRESENTATIVE	NONE

# Books Without Borders

# Exhibit 3



# PUT YOUR IDEALS INTO PRACTICE

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## WORKING IN THE OFFICE

### Integrated Direct Marketing Manager

MSF-USA is seeking an Integrated Direct Marketing Manager to play a central role in the success of its direct marketing programs. Managing internal staff and external vendors, this hands-on position leads the implementation of MSF's strategy for direct marketing efforts, including prospect, renewal and cultivation campaigns via mail, internet, telephone, and social media in order to maximize MSF's direct marketing revenue. In addition, this position leads the Marketing team in delivering analysis of marketing efforts, and advises on strategic issues surrounding marketing activities and specific marketing campaigns.

#### Position responsibilities:

##### Planning & Management

Collaborates with Marketing Director, vendors and staff on the creation and implementation of an Annual Plan and annual direct marketing income and expense budget.

Supervises two professional level staff: Direct Marketing Coordinator and Interactive Marketing Associate

Manages several vendor relationships ensuring the synchronization of their work.

##### Campaign Management

Manages planning of acquisition marketing campaigns, implementing strategy via campaign plans.

Manages house marketing campaigns, implementing renewal strategies outlined in the campaign plans.

Supervises implementation of outbound telemarketing campaign

Manages internet fundraising including:

Regular review and improvement of donation web pages

Oversight of project/vendor management for e-marketing projects and internet fundraising campaigns

Acquisition of new donors and building awareness of MSF's mission through social marketing channels and SMS marketing

##### Marketing Analysis and Data Management

Provides direction to analytics consultant to ensure in-depth, timely analysis of all marketing efforts. Partners with Director and consultant to apply analysis to the development of strategies and tactics to increase their effectiveness.

Directs analytics agency and/or database vendor to develop (i.e., create and continuously enhance) marketing systems and tools that integrate strategic requirements, improving the quality and efficiency of segmentation, reporting and forecasting.

#### Qualifications:

#### Work in the Office

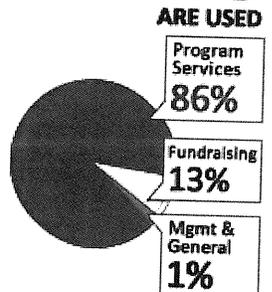
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### HOW YOUR FUNDS ARE USED



86 cents of every dollar supports our programs.

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By issue

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Minimum 4-6 years directly relevant management level experience in direct marketing, plus BA, or equivalent combination of education and experience.

Demonstrated knowledge of integrated direct marketing techniques and programs including direct mail, internet marketing and telemarketing.

Demonstrated ability to conduct data analysis, and to manage complex data issues.

Prior experience with technical e-campaign design and implementation

Experience managing complex vendor relationships and maximizing productivity of outside vendors and consultants

Excellent computer skills including proficiency using MS Office and extensive knowledge of Excel, database management. SQL experience strongly preferred

Strong interpersonal and written and oral communications skills.

Organized, detail-oriented, creative, problem-solving, strong analytical skills, strong written and oral communication, high energy, fast paced, deal with pressure and deadlines.

Ability to work independently, move projects from conceptual stages to launch, and handle multiple and often competing deadlines.

Familiarity with Team Approach, Raisers Edge or other donor database a plus.

Starting salary range: mid to high 70's, commensurate with experience. Excellent benefits. Training opportunities and growth potential.

Send cover letter and resume to: [employment.msfusa@newyork.msf.org](mailto:employment.msfusa@newyork.msf.org), Attn.: Integrated Direct Marketing Manager Search.

*No calls, please.*

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333 7th Avenue, New York, NY 10001-5004. Phone: 212-679-6800

# Exhibit 4

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## 'Border' struggle erupts over name

By David Abel

Globe Staff / March 4, 2010

Three years ago, after decades of performing volunteer operations worldwide, George Whitelaw decided he wanted to do something that would have a broader impact.

The orthopedic surgeon from Milton started a small nonprofit organization to provide primary care to children in Central America. He called his organization Children Without Borders, because "our treatment is without borders, and our patients are without borders," he said.

The operation was running smoothly - it had grown to have a \$60,000 annual budget and three clinics in Costa Rica - until last summer, when Whitelaw received a cease-and-desist letter from a similar but vastly larger organization, Doctors Without Borders. The Geneva-based organization, which employs 27,000 people and has an annual budget of more than \$800 million, said the group was infringing on its trademark and threatened legal action if Whitelaw did not change its name.

"It didn't make any sense to us and seemed like a classic scenario of a big, powerful organization using its clout to undermine and force out a small organization," Whitelaw said. "We just feel it's crazy that they would spend their resources going after a little mom-and-pop operation like ours, when they could be spending that money on helping people. There has never been any intent or action on our part to associate ourselves with them."

This week, Children Without Borders filed a preemptive lawsuit in federal court against Doctors Without Borders, seeking a judgment that would declare the Milton organization's name does not infringe on the larger organization's trademark.

Officials at Doctors Without Borders said that they are reviewing the lawsuit and that their initial action was motivated solely to protect their doctors, many of whom work in dangerous countries.

"Our concern really extends to the fact that our name is inextricably linked to the safety and security of our field teams that work in over 60 countries around the world," said Jason Cone, communications director of Doctors Without Borders in New York. "We've spent the better part of 39 years building up name recognition and the understanding of our being an independent, neutral, and impartial medical organization. Those principles help us gain access to the most dangerous conflict zones around the world."

Cone said it was not the first time that Doctors Without Borders, perhaps better known globally by its French moniker, Médecins Sans Frontières, has sued to protect its name. In fact, the organization last year prodded another outfit that called itself Children Without Borders to change its name.

Other organizations have similar names, such as Reporters Without Borders, Teachers Without Borders, Engineers Without Borders, and Students Without Borders. Cone said those groups do not compromise Doctors Without Borders, because they do not have medical missions.

"Our concern of their use of 'Without Borders' is that their organization has the ambition of doing medical work overseas, and we don't want there to be confusion," said Cone, noting his organization's lawyers learned of the Milton group's name from a Google

Alert. "Having another organization that is working in the field of medical care overseas could lead to serious confusion about our working principles."

In its lawsuit, Children Without Borders argues that it would be an unfair burden to change its name, because of the good will it has generated in the field and the "considerable time, money, and effort [invested] in advertising and promoting its service."

Gerald Phelps, a Quincy lawyer who volunteered his time to draft the lawsuit, said the actions by Doctors Without Borders has made it harder for Whitelaw to raise money and concentrate on expanding his operations in Costa Rica. He added that they have not provided any evidence to show that the similar names would negatively affect their doctors. "This stuff they're doing is impinging on Children Without Borders' ability to serve children in need," he said.

Phelps said he and Whitelaw have had several conversations with lawyers from Doctors Without Borders and have offered to post a disclaimer on their literature and website, pointing out that they have no affiliation with Doctors Without Borders. They said the lawyers rejected their proposed compromise.

Cone said a disclaimer would be insufficient. "Given the issues at play, that would never be an acceptable settlement," he said.

He argued that this was the time for Children Without Borders to change its name, before it grows larger. "These are very important rights we're trying to protect," Cone said. "It has nothing to do with their size; it's about the principles."

Whitelaw refused to change the name and called the pressure against him preposterous. "If you Google Children Without Borders, you won't see Doctors Without Borders," he said. "Our organization models are totally different . . . They have said they would take their case as far as they could against us. All we're saying is leave us alone."

David Abel can be reached at [dabel@globe.com](mailto:dabel@globe.com).

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